

EXHIBIT “C”

1 IN THE UNITED STATES DISTRICT COURT

2 IN AND FOR THE STATE OF MARYLAND

3 DARRELL A. BRITTINGHAM,

COPY

4 Plaintiff,

5 vs.

Case No.
AMD-02-CV-4055

6 JOSEPH E. MCGREENEY & TOWN
7 COUNCIL OF CENTREVILLE, INC.,

8 Defendants.

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10 Pursuant to notice, the deposition of
11 SERGEANT JOHN F. HEDDINGER, III, was taken on
12 Tuesday, March 23, 2004, commencing at 10:56 a.m.
13 at the Centreville Town Office, 101 Lawyers Row,
Centreville, Maryland 21617, before Kathryn M.
Benhoff, a Notary Public.

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Reported by KATHRYN M. BENHOFF

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DEPOSITION OF SERGEANT JOHN F. HEDDINGER, III
CONDUCTED ON TUESDAY, MARCH 23, 2004

1 A Using the word nigger. I don't remember exactly
2 what, but I remember that because I was concerned about the
3 crowd at that point.

4 Q Were you by this time up with Mr. McGeeney?

5 A Oh, yes.

6 Q Okay. And how long did you observe this
7 individual walk towards you?

8 A I don't recall exactly.

9 Q Did you make any other observations other than you
10 said he had some stagger to him?

11 A Not that I can remember, no.

12 Q Did you at that point determine that he was
13 intoxicated?

14 A No.

15 Q And you said he used the word nigger. Do you
16 remember in what context he used it?

17 A No.

18 Q Let me ask you this. Have you ever reviewed at
19 any time any of Officer McGeeney's reports?

20 A No.

21 Q Did the gentleman who had been at his car, did he
22 come to where you two were at?

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1 ground?

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2 A I don't remember absolutely.

3 Q How about generally? You can say generally.

4 A I don't remember.

5 Q Okay. Were both Green and McGeeney behind him?

6 A I don't remember.

7 Q When he went to the ground, was he thrown to the
8 ground?

9 A No.

10 Q How did he go to the ground?

11 A They just went over, like they tipped over onto
12 the grass. It was like a grassy hill right behind the
13 sidewalk there.

14 Q He just tipped over?

15 A I don't know.

16 Q Oh, okay.

17 A I just seen them go over.

18 Q All three of them?

19 A Yes.

20 Q Okay. Which one was on the right and which one
21 was on the left of Mr. Brittingham?

22 A I don't remember.

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1 he down face first, was he on the side, was he facing up?

2 A When they first went to the ground, is your
3 question?

4 Q Right.

5 A I don't remember how they first went down.

6 Q Okay. How about at any time when he was on the
7 ground, did you see which way he was facing?

8 A Yes.

9 Q Okay. Which way was he facing?

10 A Face down when they were cuffing him.

11 Q All right. Before they cuffed him, do you know
12 how he got face down?

13 A No.

14 Q When they were cuffing him, what was he doing?

15 A Resisting.

16 Q How was he resisting?

17 A I remember screaming, thrashing, kicking. I
18 remember a lot of kicking.

19 Q Okay. With his feet kind of like a --

20 A Yeah.

21 Q -- like swimming kick motion, that kind of thing?

22 A No, more like kicking, bending your knee and

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1 A Don't remember exactly.

2 Q Do you ever recall him saying or did he say his
3 back had been hurt or his shoulder had been hurt, take it
4 easy, anything like that?

5 A I don't remember.

6 Q Did you assist in any way in getting him into your
7 car?

8 A After he was in my car.

9 Q Okay. So they got him into your car without your
10 assistance?

11 A Yes.

12 Q Were you still with the gentleman that was on the
13 ground?

14 A Yes.

15 Q Was the other gentleman that was across the street
16 still across the street?

17 A I don't remember.

18 Q Was the crowd still just standing around?

19 A Yes.

20 Q And you don't recall anything Brittingham was
21 screaming about?

22 A Other than using the nigger word, because I was

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1 afraid he was inciting the crowd that was gathered around
2 because it was predominantly blacks.

3 Q What was he saying other than you just heard the N
4 word?

5 A I don't remember the content. I was just
6 concerned about that.

7 Q All right. They get him into the car. I take it
8 they closed the door behind him?

9 A Yes.

10 Q Okay. What happened then?

11 A At that point, I remember coming over to my car
12 because he was kicking my window, and my console, center
13 console sticks out underneath the cage. He had kicked, he
14 was kicking that. I then either myself or Green retrieved
15 our nylon leg restraints and we restrained him.

16 Q Okay. As they got him in, before all that
17 happened when they got him in the car, did you observe the
18 manner in which they got him into the car?

19 A I don't remember.

20 Q Do you remember, did they slam him up against the
21 car?

22 A I don't remember.

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1 A I suggested to McGeeney that we get him out of the
2 area and to the barrack.

3 Q State Police barracks?

4 A Yes.

5 Q And did McGeeney agree with that?

6 A Yes.

7 Q And did you drive him to the State Police
8 barracks?

9 A Yes.

10 Q Okay. Do you recall what time he was placed
11 under, or placed in your car?

12 A No.

13 Q Do you recall what time you got to the State
14 Police barracks?

15 A No.

16 Q You're talking about the police barracks on 301?

17 A Yes.

18 Q Was anybody in the car with you as you drove?

19 A No.

20 Q What happened, if anything, in the car as you got
21 there, as you drove, anything?

22 A He just continued to scream and thrash around in

1 the back of the car.

2 Q What was he screaming about?

3 A I don't recall exactly.

4 Q Did you ever hear him say his back was hurting or
5 his shoulder was hurting?

6 A No.

7 Q He didn't say that, or you don't recall it?

8 A I don't recall.

9 Q What happened to, if you know, the two other
10 gentlemen that were at the scene and supposedly secured?

11 A I don't know what happened.

12 Q You don't know where they went from the scene?

13 A No.

14 Q When you got to the State police barracks, was
15 anybody -- obviously, there were people there. Do you
16 recall who was there?

17 A No.

18 Q Okay. When you got to the State Police barracks,
19 did you get Mr. McGeeney out of the car?

20 A No.

21 Q How did he get out of the car?

22 A Prior to arriving at the barrack, I called, had my